

Remarks

Claims 21 – 34 are pending in the application.

Claims 21 – 34 are rejected under 35 U.S.C. §102(b) as being anticipated by Alexander et al., U.S. Pat. No. 6,177,931 (hereinafter “Alexander”).

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 21 – 34 are rejected under 35 U.S.C. §102(b) as being anticipated by Alexander. The rejection is respectfully traversed.

Claims 21 – 23, 30 and 37

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, as arranged in the claim. Alexander fails to disclose each and every element of the claimed invention, as arranged in independent claim 21. More specifically, Alexander does not teach or suggest at least:

- (1) “providing a content recommendation to the user upon detecting a channel change event ... prior to allowing the user to view the content of the selected channel” and
- (2) “allowing the user to selectively view the recommended content or content of the selected channel,”

as recited in independent claim 21 (emphasis added).

With respect to (1), the Examiner suggests that Alexander teaches providing a content recommendation in response to a channel change event because Alexander discloses monitoring the viewer usage patterns, including the channel change event, and recommending the “Watch List” based upon a channel change event (see Advisory Action, page 2). Applicants agree that monitoring of the viewer usage patterns may involve monitoring channel change events. Applicants further agree with the Examiner that change channel events may remotely affect the content of “Watch List.” However, Applicants disagree that the “Watch List” is provided in response to the channel change event.

Nonetheless, to facilitate expeditious prosecution of the present application, Applicants have amended claim 21 to further clarify its language. In particular, amended claim 21 explicitly recites that the content recommendation is provided to the user upon detecting the channel change event and prior to allowing the user to view the newly selected channel. In other words, when a viewer attempts to change channels, before the channel selected by the viewer is provided to the viewer, the viewer is provided with a content recommendation.

For example, as shown in Applicants' Figure 2A and described in the respective portions of the specification (i.e., page 6, line 21 – page 7, line 5), in one embodiment, a viewer watching one channel may decide to view another channel. In response to viewer's selection of another channel, for example by pushing a respective button on the remote control, a recommendation screen is displayed to the viewer before the content of the selected channel is displayed. The recommendation screen contains one or more recommendations (e.g., movie "Taxi"). If the viewer accepts one of the recommendations (e.g., selects "yes"), then the respective content (e.g., movie "Taxi") is displayed to the viewer instead of the content of the channel selected by the viewer. However, if and when the viewer declines the recommendation (e.g., selects "no," does not provide a response for a period of time, and so on), the content of the selected channel is displayed to the viewer. Accordingly, even if which content to add to Alexander's "Watch List" depends at least partially on channel change events, such a dependency is entirely different from the above described feature of Applicants' claim 21.

Furthermore, with respect to (2), the Examiner suggests that Alexander teaches the "selectively view" feature of claim 21 because Alexander discloses "that when a user highlights a channel, the examiner interprets highlighting is a way of selecting, then additional content, which examiner interprets as content associated, is provided in a selectable way, i.e., the linking to an external database" (see Advisory Action, page 2). However, Applicants' claim 21 recites "allowing the user to selectively view the recommended content or content of the selected channel." In other words a user is offered a choice of viewing the recommended content or the content of the channel that the viewer has selected during the channel change event and the viewer selects between the two options which content to view. In the above discussed example, the viewer selects between the recommended movie "Taxi" and the content of the already selected channel, i.e., the viewer is allowed to selectively view "Taxi" or the content of the channel selected during the channel change event.

In contrast, the portion of the Alexander cited by the Examiner with respect to the "selectively view" feature, as indicated by the Examiner, merely discloses that a viewer may access detailed program-related information by highlighting a particular program. However, the cited does not even mention the "Watch List," even though the Examiner

interprets Alexander's "Watch List" as Applicants' content recommendation. Therefore, the cited portion lacks a disclosure of the recommended content, the cited portion simply cannot teach "allowing the user to selectively view the recommended content or content of the selected channel" (emphasis added).

Therefore, Alexander does not teach or suggest each and every element of claim 21 arranged as in the claim. Independent claim 30 recites limitations similar to the above discussed limitations of claim 21. As such, at least for the reasons discussed above, claim 30 is also not anticipated by Alexander, and thus, is allowable under 35 U.S.C. §102. Because all of the dependent claims depending, directly or indirectly, from independent claims include all the limitations of the respective independent claim from which they ultimately depend, each claim dependent claim from claims 21 or 30 is also allowable over Alexander.

Claims 24 – 29 and 31 – 36

Alexander also fails to disclose each and every element of the claimed invention, as arranged in independent claim 24. Specifically, Alexander fails to teach or suggest at least:

(1) "monitoring content viewed by a plurality of users, wherein the plurality of users is pre-selected by the user," and

(2) "generating the user perceptible indicator of at least a portion of the content viewed by the plurality of users, wherein the generating occurs at a change in system state,"

as recited in Applicants' independent claim 24 (emphasis added). Rather Alexander merely describes that actions of a particular viewer are monitored and used for creating an individualized profile and to distinguish between viewers. This is entirely different from monitoring content viewed a group of viewers pre-selected by the user and from providing to the viewer an indicator of at least a portion of such content.

For example, as described in the specification, in one embodiment, a viewer may want to create a group of viewers. Such a group may include a plurality of viewers whose content or programming the viewer is interested in being notified of by user perceptible content indicators. Content viewed by one or more members of the group is monitored and if, for example, some members of the group watch the same program, a corresponding indicator is generated for the viewer. The indicator allows the viewer to

switch to the program currently viewed by other members of the group. In other words, a viewer is provided with an opportunity to create a group of friends and to be notified of and subsequently view content viewed by his or her friends (“water cooler” effect).

Accordingly, Alexander does not teach or suggest all the elements of claim 24, arranged as in the claim. Therefore, claim 24 is not anticipated by Alexander and is allowable under 35 U.S.C. §102. Independent claim 31 recites limitations similar to those recited in independent claim 24 and discussed above. As such, at least for the reasons discussed above, independent claim 31 also is not anticipated by Alexander and is allowable under 35 U.S.C. §102.

Because all of the dependent claims depending directly or indirectly from independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Alexander.

Accordingly, claims 21 – 37 are allowable under 35 U.S.C. §102(b). Therefore, the Examiner is respectfully requested to withdraw the rejection.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at 732-842-8110 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 1/7/09



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